

REMARKS

Claims 1-3, 5-10, 12-14, and 16-17 are currently pending in the application. Claims 1-3, 5-10, 12-14, and 16-17 have been rejected. No new matter has been added by the present amendment.

Claim Amendments

Claims 1 and 12 have been amended to clarify the subject matter being claimed. The term “and/or” has been amended to “and.” The term “said actions” has been amended to “said recommended and alternative actions.” The term “actual treatment” has been amended to “treatment.”

Rejections under 35 USC § 112

Claims 1 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicants believe the terms objected to by the Examiner were not indefinite. However, in an effort to move prosecution forward, Applicants have amended claim 1 and 12 to address the Examiners rejections. In view of these amendments, Applicants respectfully requested withdrawal of the rejection to claims 1 and 12 under 35 U.S.C. 112, second paragraph.

Rejections under 35 USC § 103

Claims 1-3, 5-10, 12-14, 16 and 17 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,583,758 to McIlroy et al. (hereafter McIlroy). Applicants respectfully traverse the rejection.

Claims 1 and 12

Applicants respectfully submit that McIlroy fails to teach or suggest each and every element of claims 1 and 12. Specifically, McIlroy fails to teach or suggest at least one recorded catalogue of recommended actions which comprises hierachised sequences of alternative

actions, wherein said recommended and alternative actions comprise sequential procedure steps and wherein for each of said steps the method generates electronic evaluation forms hierarchically organized as forms and subforms, wherein the forms comprise a list of one or more selected from the group comprising of recommended actions, information-input requests, decision-requests and selection algorithms, in function of said hierarchised sequences of alternative actions, and in function of the past history of all alternative actions, including both the treatment chosen and all other treatments not chosen by the user, so as to enable transfer of a group of evaluation forms and subforms in one operation into one file as set forth in amended claims 1 and 12.

On page 5 of the Office Action the Examiner expresses confusion as to what is meant by “hierarchised” and construes it to mean arranged in order or series. On page 8 of the Office Action, the Examiner then indicates that McIlroy discloses such an ordered sequence in Figure 15 (2A, 2B, 2C, 4A). Applicants respectfully submit that “hierarchised” is the British spelling of “hierarchized” which is a verb form of “hierarchy” which according to the Merriam Webster Dictionary means to arrange in a hierarchy. According to the Merriam Webster Dictionary (as well as several others including Dictionary.com) “hierarchy” means a graded or ranked series. This is how it is used in the present application. Indeed, page 5 of the application states that a fundamental feature lies in the fact that a hierarchy is assigned to the various steps and forms. Applicants further submit that the actions 2A, 2B, 2C, and 4A in Figure 15 of McIlroy merely indicate a sequence and do not indicate a grading or ranking.

On pages 5 and 9 the Examiner asserts that reference 238 in Figure 24A of McIlroy relates the alternative treatments not chosen. Applicants respectfully disagree. Reference 238 in Figure 24A of McIlroy refers to the guideline treatment. This does not imply that this was the only alternative treatment available. Reviewing the relevant sections of McIlroy where Figure 24A is discussed (Columns 17 and 18) give no indications that the guideline treatment constitutes “all other treatments not chosen by the user” as set forth in claims 1 and 12.

Claims 1 and 12 set forth generation of forms in function of said hierarchised sequences of alternative actions, and in function of the past history of all alternative actions, including both the treatment chosen and all other treatments not chosen by the user. This allows for the reconstruction of the whole decision making sequence. That is, recording of the sequence is

made before, during, and after the selection process, allowing for reconstruction of the whole decision making sequence including the sections thereof comprising alternatives that were not chosen in the end. This is in contrast to McIlroy in which any recording of the sequence takes place after the selection and normally is not used thereafter to steer the process.

In light of the foregoing remarks, Applicants respectfully submit that McIlroy fails to teach or suggest each and every element of amended claims 1 and 12 and as such amended claims 1 and 12 are not obvious in view of McIlroy. Applicants therefore request the Examiner withdraw the rejections of claims 1 and 12 under 35 U.S.C. §103, and pass the claim to allowance.

Claims 2-3, 5-10, 13, 14, 16, and 17

Claims 2-3, 5-10, 13, 14, 16, and 17 depend from either claim 1 or claim 12 and as such incorporate each and every element of claim 1 or 12. As discussed above, McIlroy fails to teach or suggest each and every element of amended claims 1 and 12. Therefore, McIlroy fails to disclose each and every element of claims 2-3, 5-10, 13, 14, 16, and 17.

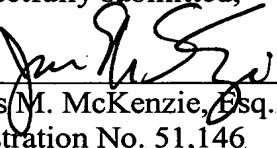
In light of the foregoing remarks, Applicants respectfully submit that claims 2-3, 5-10, 13, 14, 16, and 17 are not obvious in view of McIlroy. Applicants therefore request the Examiner withdraw the rejections of claims 2-3, 5-10, 13, 14, 16, and 17 under 35 U.S.C. §103, and pass the claims to allowance.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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